

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-3170 - APPLICANT: MIRANDA INCOME TAX - OWNER: CRISTINA STEPHENS**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 11/25/08, except as amended by conditions herein.
3. A Waiver from Title 19.12.040 is hereby approved, to allow a five-foot landscape buffer along the north and east property lines where 15 feet is required and a zero-foot landscape buffer along the south and east property lines where eight and five feet, respectively, are required
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: a total of nine 24-inch box trees (deciduous or evergreen) or 15-foot BTH (palm trees) in the north and east perimeter landscape buffers, and one 24-inch box parking lot tree shall be provided, as well as a minimum of four, five-gallon shrubs for each required tree.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

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6. A perimeter screen wall at least six feet in height shall be provided to meet all minimum requirements of Title 19.12.075.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Dedicate an additional 10 feet of right-of-way for a total radius of 25 feet on the northwest corner of Eastern Avenue and Harris Avenue prior to the issuance of any permits.
13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
13. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for the conversion of a single-family residence to an office building, with Waivers to allow a five-foot landscape buffer along the north and east property lines where 15 feet is required and a zero-foot landscape buffer along the south and east property lines where eight and five feet, respectively, are required on 0.14 acres located at 2404 Kirk Avenue. The applicant has also submitted applications for a General Plan Amendment (GPA-32164) to change the General Plan designation from L (Low Density Residential) to O (Office), and a Rezoning (ZON-32169) from R-1 (Single Family Residential) zone to P-R (Professional Office and Parking) zone. The number of Waivers requested for the proposed project indicates that the subject site will be over built, and will not be harmonious or compatible with the surrounding single-family residential neighborhood; therefore, staff recommends denial of this Site Development Plan Review.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/22/04	A Code Enforcement complaint (#18625) was processed for trash and debris at 2404 Kirk Ave. The complaint was resolved on 08/13/04.
09/29/06	A Code Enforcement complaint (#46722) was processed for a trailer in the rear yard where food is possible being served at 2404 Kirk Ave. The complaint was resolved on 11/07/06.
02/06/07	A Code Enforcement complaint (#50135) was processed for large gatherings on weekends at 2404 Kirk Ave. The complaint was resolved on 02/12/07.
<i>Related Building Permits/Business Licenses</i>	
12/10/97	A building permit (#97024495) was issued for a hot water heater at 2404 Kirk Ave. The permit expired on 06/13/98.
03/07/00	A building permit (#3952) was issued for a storage shed at 2404 Kirk Ave. The permit expired on 09/09/00.
<i>Pre-Application Meeting</i>	
10/20/08	A pre-application meeting was held to discuss the submittal requirements for a General Plan Amendment, Rezoning and Site Development Plan Review. Development standards for the conversion of a residence to an office building were also discussed.
<i>Neighborhood Meeting</i>	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.14 Acres

SG

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12/11/08	<p>A neighborhood meeting was held at 6:00pm at the East Las Vegas Community Center Senior Center, Room #1, located at 250 N. Eastern Avenue Las Vegas, Nevada 89014. There were three representatives for the applicant, two area residents and one staff person from the Planning and Development department in attendance. The following issues were addressed:</p> <ul style="list-style-type: none"> • The applicant stated that the proposed use was for a travel agency, not an income tax service as indicated in the neighborhood meeting notice. • The residents in attendance questioned the need to Rezone the property to Office when there is more than adequate vacant space in commercial areas. The applicant responded that they already own the house and haven't been able to rent it to residential tenants due to its location on a heavily traveled street. • The residents didn't like the location of the driveway along the west property line (they live on the abutting property). • It was noted that there is already too much traffic on Kirk Avenue, and the office use will exacerbate the problem. • There was a concern that patrons of the business would park on the street and block residential driveways. • The residents requested that fence on the west property line be raised to seven feet in order to provide a better buffer. • The residents expressed a concern about vandalism after hours and stated that the commercial use would decrease the value of their residence. <p>The residents stated that they were opposed to the Rezoning, and wished the property to stay residential.</p>
Field Check	
12/03/08	<p>A field check was conducted by staff. The subject site contains a vacant single-family residence in relatively good condition. There is one existing landscape area in the front yard; otherwise, the entire site is surfaced with concrete. There is graffiti on the perimeter walls and some debris in the side and rear yards.</p>

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
East	Senior Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

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West	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	6349 SF	Y
Min. Lot Width	60 Feet	65 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	5 Feet	10 Feet	Y
• Corner	15 Feet	16 Feet	Y
• Rear	15 Feet	43 Feet	Y
Max. Lot Coverage	50%	18%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	11 Feet	Y
Trash Enclosure	Roofed, screened	None	Y*
Mech. Equipment	Screened	Existing mechanical equipment on roof	N**

**The applicant will continue with curbside pickup; therefore, a trash enclosure is not required.*

***A condition has been added to require screening of the mechanical equipment.*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	One story, up to 15 feet in height	11 Feet	Y
Adjacent development matching setback	20 Feet (Front) 5 Feet (Side)	25 Feet 10 Feet	Y Y
Trash Enclosure	50 Feet	None	Y

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Pursuant to Title 19.12, the following development standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces	1 Tree	Zero Trees	N*
Buffer (Min. Trees)				
North	1 Tree/20 Linear Feet	3 Trees	2 Trees	N**
South	1 Tree/20 Linear Feet	4 Trees	Zero Trees	N***
East	1 Tree/20 Linear Feet	6 Trees	4 Trees	N**
West	1 Tree/20 Linear Feet	6 Trees	Zero Trees	N***
TOTAL		20 Trees	6 Trees	N
Min. Zone Width	15 Feet (North and East)		5 Feet	N**
	8 Feet (South)		Zero Feet	N***
	5 Feet (West)		Zero Feet	N***
Wall Height	Minimum 6 Feet to Maximum 8 Feet Adjacent to Residential		Existing 6-Foot Wall Indicated	Y****

*A condition has been added to require one parking lot tree, per the requirements of Title 19.10.

**The applicant is requesting a Waiver to allow a five-foot landscape buffer where 15 feet is required along the north and east property lines. A condition has been added to require the appropriate number of trees within these areas, per Title 19.12.

***The applicant has requested a Waiver to allow a zero-foot landscape buffer where eight and five feet is required along the south and west property lines, respectively.

****Based on a field check conducted by staff, the existing block wall does not meet the minimum six-foot height required by Title 19.12.075. A condition has been added to require compliance with the minimum standard.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	1,140 SF	1:300	3	1	4	1	Y
TOTAL			4		5		Y

Waivers		
Request	Requirement	Staff Recommendation
Five-foot landscape buffer along the north and east property lines	15 Feet	Denial
Zero-foot landscape buffer along the south and west property lines	Eight and five feet, respectively	Denial

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ANALYSIS

This is a request for a Site Development Plan Review for the conversion of a single-family residence to an office building, with Waivers to allow a five-foot landscape buffer along the north and east property lines where 15 feet is required and a zero-foot landscape buffer along the south and east property lines where eight and five feet, respectively, are required on 0.14 acres located at 2404 Kirk Avenue. The applicant has also submitted applications for a General Plan Amendment (GPA-32164) to change the General Plan designation from L (Low Density Residential) to O (Office), and a Rezoning (ZON-32169) from R-1 (Single Family Residential) zone to P-R (Professional Office and Parking) zone. The number of Waivers requested for the proposed project indicates that the subject site will be over built, and will not be harmonious or compatible with the surrounding single-family residential neighborhood; therefore, staff recommends denial of this Site Development Plan Review.

- **Zoning**

The subject site has a General Plan designation of L (Low Density Residential). The applicant is proposing a General Plan Amendment (GPA-32164) to change the designation to O (Office), which provides for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

The subject site is zoned R-1 (Single Family Residential). The applicant is also requesting a Rezoning (ZON-32169) to P-R (Professional Office and Parking), which is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R (Professional Office and Parking) district should be constructed to maintain a residential character. The P-R (Professional Office and Parking) district is consistent with the Office category of the General Plan, and would allow the proposed Office use. In this case, the subject site is located adjacent to Eastern Avenue, a high-traffic Primary Arterial roadway, but is oriented toward Kirk Avenue and the residential neighborhood. The conversion of the residential property to a commercial use would bring additional traffic and noise into the neighborhood, instead of acting as a transitional zone. Staff has recommended denial of the associated requests for a General Plan Amendment and Rezoning as they are not compatible with the surrounding adjacent residential land uses.

- **Site Plan**

The subject site is located at the southwest corner of Kirk Avenue and Eastern Avenue, and contains an existing 1,548 square-foot single-family residence that is oriented to Kirk

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Avenue, with no direct access to Eastern Avenue. In order to provide for on-site parking and vehicular circulation, the applicant is proposing to reduce the building footprint to 1,140 square feet. This will allow a one-way drive aisle for vehicles to enter the driveway on Kirk Avenue at the northwest corner of the site, access the parking area in the rear yard along the west side of the building, and exit the parking area via the east side of the building to the driveway on Kirk Avenue. Five parking spaces, including one van accessible handicap space, are provided in the rear yard. No parking spaces are located in the front yard.

- **City of Las Vegas 2020 Master Plan**

NEIGHBORHOOD REVITALIZATION GOAL: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.

OBJECTIVE 2.2: To ensure that low-density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use, or non-residential land uses by mitigating adverse impacts where feasible.

The proposed development is not consistent with these provisions of the Master Plan in that the project, as proposed, will not provide the necessary buffering elements for the adjacent residential properties due to the requested Waivers of required landscape buffers, and will therefore have a greater adverse visual and aesthetic impact on those adjacent residential properties.

- **Landscape Plan**

Landscaping on the site is limited to the north and east perimeters only, as the applicant has requested Waivers to allow zero-foot landscape buffers along the east and south perimeters. The proposed landscape buffers will be only five feet wide, with two Date Palms in the north buffer and Red Leaf Plum trees in the east buffer. The size of the Date Palms is not clearly indicated, but Title 19.12 requires that they be a minimum 15-foot brown trunk height. The Red Leaf Plum trees are generally considered to be ornamental trees, with an expected maximum height of 20 feet; larger shade trees or a combination of larger shade and ornamental trees would be a more acceptable alternative. An assortment of five-gallon shrubs, including Dwarf Mock Orange, Yucca Pendula and Red Yucca are also proposed within these buffer areas.

- **Elevations**

The existing residential structure will remain, although it will be reduced in size. The residence has a gray stucco exterior with asphalt shingles.

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- **Floor Plans**

The floor plan indicates public access into a large main office, with secondary access to two smaller offices and a restroom.

FINDINGS

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area;

The proposed development is not compatible or harmonious with the surrounding single-family residential development as the applicant has requested Waivers to allow the reduction or elimination of landscape buffers meant to reduce the adverse impacts that the commercial use will have on the residential properties to the north and west.

2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development is not compatible with the General Plan, specifically the Neighborhood Revitalization Goal, Objective 2.2, or Title 19 in that the applicant is requesting Waivers to the landscape buffer requirements as part of this request, resulting in a development that will have a greater adverse impact on adjacent residential properties.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Direct access to the site is via a driveway onto Kirk Avenue, a 50-foot Local Street as designated by the Master Plan of Streets and Highways. The anticipated office use will generate a net increase in average daily traffic of only three vehicles, indicating that the street is adequate for site access.

4. Building and landscape materials are appropriate for the area and for the City;

The building materials are appropriate in that the exiting single-family residence will be retained. The landscape materials, while meeting the minimum requirements of Title 19, are not all appropriate for the area. The type of deciduous street tree proposed by the applicant, the Red Leaf Plum, is generally considered an ornamental tree, with a maximum height of approximately 20 feet. Larger shade trees, or a combination of larger

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shade trees and Red Leaf Plum trees, would be more appropriate along the Eastern Avenue frontage. The proposed Date Palms and assorted shrubs are appropriate for the area.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The existing residential structure will remain, although it will be reduced in size. The residence has a gray stucco exterior with asphalt shingles, which is compatible with the other surrounding single-family residences in the area.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 11

SENATE DISTRICT 2

NOTICES MAILED 254

APPROVALS 1

PROTESTS 0